

Application No. 09/552,887
Amendment Dated February 8, 2006
Reply to Office Action of December 1, 2005

REMARKS/ARGUMENTS

Claims 1-15 and 17-32 are pending in this application.

Applicant elects to respond to the Office Action by filing a reply under 37 C.F.R. § 1.111 in response to a non-final rejection.

It is first noted that it is understood by the applicant, that one of the reasons that the Examiner continues to issue rejections in this case is because, in the banking industry, the system of the present invention would not be allowed to exist because remaining anonymous is illegal where taxes must be paid, such as for casino wins by casino patrons. This is entirely irrelevant to prosecution of the present application. First, even if it is a requirement, in U.S. casinos, under appropriate laws, machines may only give out awards up to a certain value. Once a certain award is reached, a casino employee must give the award and obtain required tax information. The operation of the present invention would not violate any tax laws under these circumstances. Second, there is no requirement in the patent laws that states that for an invention to be patentable, one must comply with laws such as tax laws. If the Examiner considers this to be an issue, he is going beyond the bounds of proper examination.

REJECTION UNDER 35 U.S.C. § 103:

The Examiner rejected claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable for obviousness over U.S. Patent No. 5,902,983 (Crevelt et al.) in view of U.S. Patent No. 5,802,199 (Pare, Jr. et al.) in view of U.S. Patent No. 5,960,085 (de la Huerga) and U.S. Patent No. 6,307,956 (Black). The rejection of claims 1-15 is traversed for the reasons asserted below.

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Previously, the Examiner had rejected these claims as being obvious over the Crevelt Patent in view of the Pare Patent. The Examiner now adds de la Huerga and Black. Crevelt is incorrectly applied by the Examiner as asserted in the Applicant's Supplemental Appeal Brief of September 16, 2005, the Applicant's Supplemental Appeal Brief of March 29, 2005, the Applicant's Appeal Brief of September 28, 2004, the Applicant's Amendment of December 12, 2003, and the Applicant's Amendment of July 21, 2003. Applicant will not repeat these arguments in full here and applicant requests that the Examiner refer to at least the Applicant's Supplemental Appeal Brief of September 16, 2005.

Essentially, as previously stated, Crevelt teaches a gaming machine that accesses an electronic funds transfer (EFT) system. In Crevelt, the player inserts his or her ATM card, keys in a personal identification number (PIN), requests credits for play on gaming machines, and receives a preset amount of credits which can be converted to plays on a gaming machine. Since this patent deals with withdrawing funds via "EFT," from a players account such as a bank account, the crux of this patent is to set a limit to the preset amount of credits available for a player such that a cashless system is provided that "protects against rash decisions by some players to divert a large amount of their savings to gaming." '983 Patent at col. 2, lines 27-28.

The present invention does not provide access to a player's bank account or credit card account that could allow players to divert large amounts of their savings into gaming. In fact, the present invention provides for a player to be *entirely anonymous*. Crevelt teaches away from the anonymity of a player. In Crevelt, privacy of players is entirely eliminated in that actual credit card

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or bank account information is required, including access to, for example, social security numbers, home addresses, credit reports, and the like. In the present invention, while one aspect of personal information is required, i.e., the biometric data, this data is not associated with personal data of a user, other than the account established under that biometric data.

Regarding claim 1, the Examiner states that Crevelt substantially discloses the current invention but, among other things, does not disclose the limitation "storing unique biometric data created by the biometric input means in the central depository but not associating the unique biometric data with other details of identity of the player." The Examiner states that the Pare Patent discloses, among other things, "but not associating the unique biometric data with other details of identity of the player." Again, the Examiner is referred to the previous arguments by the Applicant, and, in particular, the Supplemental Appeal Brief of September 16, 2005.

Combining the Pare Patent with the Crevelt Patent does not teach or suggest the present invention. The Pare Patent does not teach the limitation of "not associating the unique biometric data with other details of identity of the player." The Pare Patent addresses use of a token to identify an individual and the financial account that he is accessing in the conventional sense.

The Examiner goes on to newly cite U.S. Patent No. 6,307,956 (Black). The Examiner states that Black discloses a registration system, storing unique biometric data and not associating the unique biometric data with other details of identity of the player to assure anonymity of a prepaid card user during the transaction without knowing the name of the user. Black is directed to a writing implement which is entirely nonanalogous art to gaming systems of the present invention.

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Additionally, since Crevelt teaches away from the anonymity of a player, there is no motivation for one skilled in the art to have combined Crevelt with Black.

The Examiner goes on to state that de la Huerga discloses a system with detection devices such as fingerprint scanners to analyze one or more characteristics of a person accessing the computer and when the user leaves the computer terminal, the system logs off the computer.

Dependent claims 2-12 and 14-15 depend from independent claim 1. For the reasons stated above, it is believed that claim 1 is allowable. It is therefore respectfully requested that the Examiner withdraw the rejection of dependent claims 2-12 and 14-15.

With respect to independent claim 13, the Examiner states that, among other things, Crevelt does not disclose "purging the unique biometric data and the unique player's account from the central computer after the step of paying the player any money remaining in the player's account to provide for privacy of the player...." However, the Examiner states that Pare teaches "purging the unique biometric data and the unique player's account from the central computer after the step of paying said player any money remaining in said player's account, to provide for privacy of the player." Here, the Examiner cites the "entire Pare document, particularly the Abstract, figures 2-5, 8, col. 1, lines 10-54, column 3, lines 34-43, column 7, lines 24-42, column 8, lines 1-43, column 9, lines 14-58, column 10, lines 20-38, column 19, lines 23-35, column 20, lines 44-67, and column 22, lines 27-34.

Nowhere in the Pare Patent, including those locations specifically cited by the Examiner, is "purging the unique biometric data and the unique player's account to provide for privacy" taught

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or suggested. In fact, the Pare Patent teaches the opposite. It is a specific goal of the Pare Patent to properly identify a user. Verifying a user's personal identity is a goal of this system. As stated in Pare at column 8, lines 4- 8, "upon non-use or infrequent use, the biometric sample of individuals are purged from the local and intermediary computer databases in order to free up space, as well as increasing the speed of the searches since fewer biometric comparisons are made." A second, master computer retains the information purged from the local computer."

See also col. 10, lines 25 -38 (emphasis added):

the user's biometric sample and personal identification code is not automatically removed or purged from the master computer databases 30 and 32. This frees database space on local computer database 46 as well as reduces the number of biometric comparisons th local computer comparator 34 has to perform for making an identification result. The user's biometric sample and personal identification code, however, are stored with the master computer 10 for future identification requests made by the local computers 34 who have previously purged biometric samples and personal identification code of the user from their database, or those local computers who had never contained the biometric sample and personal identification code of that specific user on their database.

No discussion of privacy whatsoever is made. The user in Pare (and all other prior art cited by the Examiner) is not anonymous. Privacy of the user in that the user is kept entirely anonymous is not a consideration in Pare. Claim 13 is therefore allowable over the prior art of record.

It is therefore respectfully requested that the Examiner withdraw the rejection of claim 13.

Next, the Examiner rejected Claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Crevelt in view of Pare, Jr. and de la Huerga. For the reasons asserted above with respect to claims 1-15, among other reasons, Crevelt is entirely incorrectly applied by the Examiner. It is therefore requested that the Examiner pass claim 32 to allowance.

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Next, the Examiner rejected claims 17-22, 24-26 and 28-31 under 35 U.S.C. § 103(a) as being unpatentable over Crevelt in view of Pare and Black.

Claim 17 includes the language "but not associating the unique biometric data with other details of identity of the player." As discussed above, the Crevelt, Pare and Black, alone or in combination, teach away from this claim limitation. It is therefore respectfully requested that the Examiner withdraw the rejection of claim 17. Since claims 18-23 depend from claim 17, it is also respectfully requested that the Examiner withdraw the rejection of claims 18-23.

Similarly, the Examiner rejected independent claim 24 and dependent claims 28-31, which depend from claim 24, over Crevelt in view of Pare. Again, the Examiner stated that Crevelt teaches the limitation of "not associating the unique biometric data with other details of identity of the player..." For the reasons asserted above, Crevelt, Pare Patent, and Black, alone or in combination, do not teach or suggest this feature, and, in fact, teach away from this limitation. It is therefore respectfully requested that the Examiner withdraw the rejection of claims 24 and 28-31.

With respect to dependent claims 25-27, these claims depend, directly or indirectly, from independent claim 24. For the reasons asserted above with respect to claim 24, it is asserted that claims 25-27 are allowable.

It is therefore respectfully requested that the Examiner withdraw the rejection of claims 25-27.

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For at least the reasons set forth above and for those reasons previously discussed in the numerous previous Amendments, Appeal Brief and Supplemental Appeal Briefs, it is respectfully submitted that all of the claims, as amended, of the above-identified application are in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

February 8, 2006

Please charge or credit our Account
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entry and/or ensure consideration of
this submission.

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